

**MINUTES FOR THE  
MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, APRIL 13, 2007  
TIME: 9:00AM  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HI 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

**MEMBERS**

Mr. Peter Young  
Mr. Ron Agor  
Mr. Robert Pacheco

Mr. Tim Johns  
Mr. Jerry Edlao  
Mr. Sam Gon

**STAFF**

Mr. Sam Lemmo, OCCL  
Ms. Charlene Enoki, LAND DIV  
Mr. Dan Polhemus, AR  
Mr. Wayne Haight, AR  
Ms. Cynthia Vanderlip, DOFAW

Mr. Paul Conry, DOFAW  
Mr. Dan Quinn, SP  
Mr. Glenn Abe, DOT  
Mr. Alan Hanaike, ENG  
Ms. Kimberly Mills, OCCL

**OTHERS**

{NOTE: language for deletion is [bracketed], new/added is underlined}

**Item A-1      Minutes of March 23, 2007.**

Amend page three, fourth paragraph.

Mr. Cottrell added [~~Hokulia is DLNR Advisory Trail Council and~~] that Hokulia staff have attended several Big Island Na Ala Hele Advisory Council meetings and that they have approved the designation of the two new trails into the Na Ala Hele Program and the easements for both Hokulia and DLNR. [~~The Big Island Trail Council has been part of the public disclosure and supports it~~].

Member Sam Gon recused himself.

**Unanimously approved as amended (Pacheco/Edlao)**

**Item K-1      Conservation District Use Application (CDUA) MA-3389 for a  
Single Family Residence, Landscaping and After the Fact Water  
Catchment Tanks Located at Kaliae, Koolau, Island of Maui, TMK:  
(2) 1-2-001:004**

Mr. Sam Lemmo, Administrator for Office of Conservation & Coastal Lands (OCCL), reported the applicants are Deborah Mathias and David Niehaus. The parcel is located in the Keanae area surrounded by 5,000 acres of Ko'olau Forest Reserve. There were violations by the previous owners where they paid a \$12,000 fine and had to take down structures. OCCL staff conducted a follow up inspection and found all the conditions required had been met. The new owners applied to build a single family residence, to do some agriculture and reforestation. An Environmental Assessment had been filed and published in the 2/23/07 Environmental Notice. Staff recommends approving the project with 18 conditions.

Member Gon commented in the past the Board decision on native areas recommended to consult with the home island invasive species committee. In regards to Item 9, he recommends an informal consultation with island experts (invasive species control and botanist) to find out what are the appropriate native species. That way that particular native forest will have a longer chance of survival.

Mr. David Niehaus explained he grows endangered trees here before man. He has spoken to the Maui Invasive Species people and they have been to the property. He is planting what is already in the nearby State forest and is growing ohia right now.

Member Gon stated there is a lot of native landscaping and you'll see a mix of all types of natives, but not necessarily appropriate for the elevation. Knowing that the owner intends to plant only the species grown in the adjacent area is ideal.

Member Agor asked applicant if he was ok with all the recommendations?

Mr. Niehaus answered yes, he is fine with it.

**Unanimously approved as submitted (Agor/Gon)**

**Item K-2      Time Extension Request for Conservation District Use Permit  
(CDUP) KA-3160 for the Kealia-Kapaa Bike and Pedestrian Pathway  
Located at Kealia, Island of Kauai, TMKs: (4) 4-7-007:029 & (4) 4-7-  
003:001**

Mr. Sam Lemmo of OCCL reported this was previously approved by the Board in March 2004. The applicants are seeking a two year time extension to complete the project construction which staff provided the justification. One of the issues for staff was in seeking the time extension. Staff wanted to do a spot check with a ground crew to see where some of these structures are relative to the shoreline because the project has been taking a long time to implement. Staff was concerned the shoreline may have shifted and thus exposing some of the improvements to erosion damage. Staff is including a condition stating OCCL would conduct a site inspection to determine whether there is a need for project adjustments. Coastal erosion staff was sent out and they reported some things were in the process of being built and not exactly in conformance with the plans the Board approved. Mr. Lemmo recommends asking the County of Kauai to provide OCCL an “as built plans.” If this action were approved to continue then completion of the project shall reflect the “as built” conformation. This will clean up the record to reflect the asphalt situation.

Member Johns asked did the applicants have a problem with the change in construction? It was noted differently in the plans, but not in the changes because it was too late after it was built.

Mr. Lemmo replied there are rest pavilions along Kealia Beach. His impression from the staff was if there is an erosion problem they would not armor the shoreline, but instead remove the improvements. The applicants were informed to update their construction plans to show what is on the ground and review it. They found the situation acceptable.

Member Agor stated he has received calls about proceeding with the project. It’s a pristine area and the shelters look like an unfinished construction site. It’s damaging to the environment. He asked at the time of the application was it referred to as shelters (four columns and a roof) and was that the intent?

Mr. Lemmo explained at the time things were conceptual and now that things are built, things changed. The intent was to have a pavilion with a roof, poles and a slab without walls. A couple rest areas, but not a concern with the shoreline.

**Unanimously approved as submitted (Johns/Gon)**

**Item K-3      Time Extension Request for Conservation District Use Permit OA-3266 for the Proposed Papipi Road Drainage Improvements at Ewa Beach, Oahu TMKs: (1)9-1-11:002 and 003**

Mr. Lemmo from OCCL asked for an extension of 15 days to complete the contested case hearing process for the Haseko drainage project at Papipi Road.

Member Johns asked is 15 days enough?

Mr. Lemmo answered this would give it to May 23, 2007.

**Unanimously approved as submitted (Agor/Pacheco)**

**Item M-1      Issuance of Direct Lease; Applicant: MARISCO, LTD. vicinity of Pier 3, Kalaeloa Barbers Point Harbor Area, Honouliuli, Ewa, Oahu, TMK Nos. (1) 9-1-14:24 (Portion) and 25**

Mr. Glenn Abe of Department of Transportation Harbors Division reported staff has corrections on page 2 of M-1 under CURRENT USE STATUS it should read Governor's Executive Order No. 3383 not [1346] and the harbor should be Kalaeloa, Barbers Point Harbor not [~~Honolulu Harbor~~].

**Unanimously approved as amended (Johns/Gon)**

**Item M-2      Issuance of Revocable Permit to ALOHA TOOL & RENTAL, INC. dba Honolulu Recovery, Keehi Industrial Lots, Kalihi-Kai, Honolulu, Oahu**

**Unanimously approved as submitted (Johns/Gon)**

**Item F-1      Request for Amendment to the Northwestern Hawaiian Islands (NWHI) Research Permit previously approved for Dr. Jason Baker of National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, valid from April 1, 2007 to September 30, 2007, to include Kure Atoll.**

Mr. Wayne Haight of DLNR and NWHI Monument passed out a handout to the Board Members.

Mr. Dan Pohelmus, Administrator of Department of Aquatic Resources, reported the Board Members wanted impact analysis for the permit. Staff gave the Board a general spatial scale on the monument. On the front is a useful graphic within the monument and the various projects proposed this year. It showed current projects for this year. HIMB I have seven projects as well as for HIMB II which will be coming up in May. The general spatial scale is useful to compare with states, cities or countries. There is a relative impact comparison with Hanauma and French Frigate Shoals (FFS) scale. Most atolls are about the same.

Member Pacheco asked why don't state waters include the fringing reef?

Mr. Pohelmus replied it is only drawn from emerging lands. If that part of the land is not emergent then it doesn't provide the basis for a claim. Some staff think that some of the water around FFS is incorrectly claimed which staff will revisit later.

Mr. Pohelmus explained using the handout annual visitors based on last years count was compared per day, per year and annual visitors per acre. In 2006, NWHI had 191 visitors total about .52 people per day or .0003 visitors per acre. At FFS, 127 people or a third of a person per day. Compared to Molokai which is close in acreage to FFS gets 83,712 visitors or 230 people per day. Hanauma Bay gets 1,095,000 visitors per year and 3,000 daily. Put that into perspective of the management and keeping good ecosystem maintenance. Monk seal breeding at FFS is closest to Hawaii and they have an air strip.

On each of the permits, because the Board asked, staff looked at the affected area, spatial consideration, status of the resources, identification of impact factors, significance thresholds within limits of acceptable change and cumulative affects which will be included in the State's internal permit review. This is the report of what the Board asked staff to do and it's been done.

F-1 is a housekeeping measure which came 2 weeks ago for permit. It's a long standing series of monk seal camps, but due to clerical error it adds Kure Atoll to the permit.

**Unanimously approved as submitted (Gon/Pacheco)**

**Item F-2 Request for Authorization/Approval to Issue Northwestern Hawaiian Islands (NWHI) Research Permit to Dr. Leszek Karczmarski to access Kure Atoll waters to Monitor the Kure Spinner Dolphin Population, from May 16, 2007 to October 31, 2007.**

Mr. Pohelmus representing Aquatic Resources reported this is a long standing program of research at Kure Atoll. It involves observational work of spinner dolphins.

**Unanimously approved as submitted (Agor/Johns)**

**Item F-3 Request for Authorization/Approval to Issue Northwestern Hawaiian Islands (NWHI) Conservation and Management Permit to Cynthia Vanderlip, of the State of Hawaii, Department Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW), valid from May 16, 2007 to October 31, 2007, to Access the Waters surrounding Kure Atoll in order to remove Marine Debris.**

Mr. Pohelmus of Aquatic Resources stated this is a continuation of a long standing program to remove marine debris from Kure Atoll. There is a minor degree of disturbance to the coral. The removal of debris far outweighs the minor impacts in getting it out and we recommend approval.

Member Edlao asked are the people who are going to remove debris people who have done it in the past? Are these people trained?

Ms. Cynthia Vanderlip, manager with DLNR, Division of Forestry & Wildlife, replied yes these people came last year. And yes these people are trained and she is very careful. Her staff use knives and gloves and stay away from the reef. Even the coral that is removed by the debris is removed so it wouldn't damage live coral.

**Unanimously approved as submitted (Gon/Pacheco)**

**Item E-1      Request for Special Use Permit from Hospice of Hilo to Use the Large Pavilion and Certain Portions of the Wailoa River State Recreation Area in Hilo, Hawaii for their "Celebration of Life" and "Walk for Hospice" Fundraisers**

Mr. Dan Quinn, Administrator for State Parks, reported this is a one day event scheduled for May 9, 2007 with recommended conditions and a \$100 fee to the State. No problems from first 2 events.

Member Pacheco inquired is it normal to receive requests this close prior to the event?

Mr. Quinn responded usually they receive these farther ahead. At least 60 days ahead. Staff received it a couple weeks ago to get it on the Board Agenda.

**Unanimously approved as submitted (Pacheco/Johns)**

**Item C-1      Request for an Amendment of Contract Number 54003 with the University of Hawaii for the Testing of Miconia Biocontrol so that a time extension to 12/31/07 may be pursued.**

**Item C-2      Request for an Amendment of Contract Number 54004 with the University of Hawaii for the Testing of Tibouchina Biocontrol to extend the time of performance to 12/31/07.**

**Item C-3      Request for an Amendment of Contract Number 54005 with the University of Hawaii for the Acceleration of Miconia Biocontrol to extend the time of performance to 6/30/07.**

Mr. Paul Conry, Administrator of Division of Forestry & Wildlife (DOFAW), reported C-1, C-2 & C-3 are Requests for Amendment to Contracts to extend the time period.

Member Edlao expressed his concern of the beetle brought in to test. For any new species brought in is there a control in case it gets out of hand? He did not see anything that states what would happen.

Mr. Conry replied it is a valid concern. He can bring it back to the bio-control team with this concern.

Member Pacheco stated one of the things with bio-control is host specific. The population demises as the host dies off.

Member Edlao expressed concern with bee mites.

**Unanimously approved as submitted (Gon/Pacheco)**

**Item C-4 Request for Approval of an Agreement for Grants, Subsidies, and Purchases of Services between the Board of Land and Natural Resources and the North Kohala Community Resource Center.**

Mr. Conry of DOFAW reported this is a grant cooperative project with Linda Elliot. It combines state money with private fund raising. Staff appreciates the Board approving this contract to allow them to go ahead with this rehab center.

**Unanimously approved as submitted (Pacheco/Gon)**

**Item C-5 Request for Authority for the Chairperson to Negotiate and Enter into Contracts for Goods and Services up to \$50,000.**

Mr. Conry from DOFAW stated this gives the chairperson authority to match the recent changes in State Procurement. Staff is asking to give the chairperson authority to handle these routine processes that way they don't have to always come back to the Board. Staff will have the option to come back to the Board for example when they have a new partnership or endeavor.

Member Johns inquired is this the first time staff is asking this? Wasn't this asked the last time?

Mr. Conry explained the last time was for \$250,000.

Member Gon asked isn't the current level \$25,000? Did it increase? If it increased to \$50,000 staff wants to mirror this?

Mr. Conry answered yes. This was a State Procurement policy to increase the amount.

Member Pacheco asked give him an example?

Mr. Conry replied a group is replanting native plants for 10 years on a contract of \$25,000. If there is a contract that needs to be approved by the Board and the purchase order is over \$50,000 at U.H. it would not go through the Board.

Member Gon inquired what would be the venue for reporting such purposes to the Board if it involves conservation relevance? He is interested in what DOFAW is doing with such purchases because over time it could add up to millions of dollars. People would ask. Maybe once or twice a year get a report of the amount.

Mr. Conry replied keeping a log or annual report could be the approach. Some of these contracts may be appraised at more than \$25,000 and that would come to the Board. One restriction or condition could be placed on this would be any new cooperative conservation project needs to come to the Board. If staff has an extension of that the following year then staff won't necessarily need to come back to the Board. But staff could copy the Board Members with a Notice to the Board to keep the Board informed. Like a contract you would get the cover letter to the vendor and cc the Board Members.

Member Pacheco asked is this up to \$25,000?

Mr. Conry replied actually \$10,000 for contracts. \$50,000 for purchase orders.

Member Pacheco inquired are there rules for parceling?

Mr. Conry answered yes. This is not only for DOFAW, but for the whole Department.

Member Johns stated to do both. Send an annual report and cc Board members.

All Board Members agreed.

**Unanimously approved as submitted (Pacheco/Gon)**

**Item D-1      Amend Prior Board Actions of August 28, 1998 (D-16), Request to Approve Business, Commercial, Industrial and Resort Application and Qualification Questionnaire Process for Prospective Bidders Interested In Leases Sold at Public Auction.**

Ms. Charlene Enoki representing the Land Division reported staff would like to withdraw D-1. Staff is concerned with the credit history and they are not set-up for credit reports.

**Motion to withdraw.  
Withdrawn (Johns/Pacheco)**

**Item D-2      Consent to Assign General Lease No. S-5415, Charles Mahi III, Assignor, to Li'ula Charlyn Mahi, Assignee, Kikala-Keokea, Puna, Hawaii; TMK: (3) 1-2-43:15**



**Item D-3      Set Aside to County of Hawaii, Department of Parks and Recreation for Park, Trail and Related Recreational Purposes, Waiakea, South Hilo, Hawaii, TMK: (3) 2-1-06:77, 79 and 2-1-07:Portion of 15.**

Member Pacheco inquired does the Department have a policy recommendation on use of native plants on landscaping for set asides or public parks?

Ms. Enoki replied no they don't. The government agency would have to comply with the environmental laws or environmental impact statement.

Member Johns stated usually not. Normally when the Board does the set asides the Board makes sure it is for the appropriate government purpose to the receiving agency.

Member Gon reported OHA had a requirement of using native plants.

Ms. Enoki replied it would come under the county.

Member Johns stated we should think about it. How much native planting go into city parks?

Member Gon stated use of naupaka is being used or if appropriate.

**Item D-4      After-the-Fact Grant of Perpetual, Non-Exclusive Easement to the Board of Water Supply (BWS), City and County of Honolulu for Water Transmission Pipeline and Access Purposes and a Management and Construction Right-of-Entry, at the Ala Wai Golf Course along Kapahulu Avenue, Waikiki, Honolulu, Oahu TMK: 2-7-036:002.**

**Unanimously approved as submitted (Pacheco/Gon)**

**Item H-1      Request for Approval of DLNR Radio System Maintenance Contract with Pacific Wireless Communications, LLC.**

Mr. Alan Hanaike, newly emergency hired Telecom Planner, reported this is a standard contract entered in for 12 years. Staff is requesting a contract for physical year 2007.

**Unanimously approved as submitted (Johns/Gon)**

Adjourned 9:57 a.m.

Respectfully submitted,

Adaline Cummings  
BLNR Secretary

Approved as submitted:

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PETER T. YOUNG  
Chairperson  
Department of Land and Natural Resources